

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LIONRA TECHNOLOGIES LIMITED

v.

FORTINET, INC.

CASE NO. 2:22-cv-00322-JRG-RSP
(Lead Case)

LIONRA TECHNOLOGIES LIMITED

v.

CISCO SYSTEMS, INC.

CASE NO. 2:22-cv-00305-JRG-RSP
(Member Case)

LIONRA TECHNOLOGIES LIMITED

v.

HEWLETT PACKARD ENTERPRISE
COMPANY, et al.

CASE NO. 2:22-cv-00319-JRG-RSP
(Member Case)

LIONRA TECHNOLOGIES LIMITED

v.

PALO ALTO NETWORKS, INC.

CASE NO. 2:22-cv-00334-JRG-RSP
(Member Case)

**DECLARATION OF MARK GOOCH IN SUPPORT OF DEFENDANTS' MOTION TO
TRANSFER PURSUANT TO 28 U.S.C. § 1404**

[REDACTED]

[REDACTED]

I, Mark Gooch, hereby declare as follows:

1. I am an employee of Hewlett Packard Enterprise (“HPE”). I have been an employee of HPE, or its predecessor, Hewlett Packard Company (“HP Company”), since March 1997. The facts set forth herein are true and correct to the best of my knowledge and are based on my own personal knowledge and/or I have been informed of the information. If called upon to testify as a witness, I could and would competently testify thereto.

2. I submit this declaration in support of a motion to transfer pursuant to 28 U.S.C. § 1404. I understand that the Plaintiff Lionra Technologies Limited (“Plaintiff”) filed this lawsuit on August 19, 2022. I also understand that the infringement allegations in this lawsuit concern: (1) the Aruba CX 6200, 6300, 6300M, 6300F, 6400, 8000 (e.g., 83xx and 8400), 8320, 8325, 8360, and 10000 Switch Series, and the Aruba AOS-CX 10.00 and 10.08 operating systems that run on those switches, and (2) the Aruba 5400R and 2930F Switch Series. I also understand that these are referred to as the “Accused Products.”

3. My title at HPE is Distinguished Technologist. As part of my duties in that position, I lead a team of engineers who design and develop application-specific integrated circuits (“ASICs”) and the switch architecture for our products that use those ASICs, which includes most of the Accused Products. Throughout my career with HP Company and HPE, I have been involved in the design of the architecture and packet forwarding ASIC logic used in high performance ethernet switches. For example, I was a part of the team that developed the HP ProCurve 5300 line of switches, which HP Company first released in the early 2000s.

4. When I go into the office, I work in HPE’s office located at 8000 Foothills Boulevard, Roseville, California 95747; I otherwise work from my home in Roseville. My team and I work directly with the product line managers and software engineers located in Roseville, as well

[REDACTED]

[REDACTED]

as others who are located outside of the United States such as Costa Rica and India. However, the vast majority of product line managers and software engineers with whom I work are located in Roseville. I have been based out of the Roseville, California facilities since July 1998.

5. As early as the 1980s, Roseville was the center of HP Company's networking group. Roseville has retained that status and today remains the center of HPE's networking group. In fact, when I first began working for HP Company, the group was called the Roseville Networks Division. Roseville is the center of HPE's U.S.-based networking group, including the ASIC, hardware, and software groups responsible for HPE's networking products. The research and development activities for those products are concentrated in Roseville, as is senior management for those products. Nearly all of the people I work with on the Accused Products are located in Roseville, and none are located in Texas.

6. After HP Company acquired Aruba Networks and, a few months later when HP Company was split into HP Inc. and HPE, the HPE networking group adopted the Aruba brand. While today the Accused Products carry the Aruba brand, their development can be traced back to the HP Company/HPE networking group.

7. I understand that the infringement issues in this case involve ASICs used in the Accused Products. The CX 6200, CX 6300M, CX 6300F, CX 6400, CX 8360, 5400R, and 2930F all use HPE-designed ASICs. I worked on the development of those ASICs, as well as the overall ASIC architecture of these Accused Products. For example, I initially began working on the 5400 (an earlier version of the 5400R) in 2002, the 5400R in 2011, and the 2930F around January 2015. I was the lead packet forwarding architect for the CX 6200, CX 6300M, CX 6300F, and CX 6400.

8. The CX 8400 uses ASICs designed by [REDACTED]. The HPE employee responsible for the architecture of this product is Eric Pelletier, who is based out of Santa Cruz, but routinely

[REDACTED]

[REDACTED]

visits the Roseville site. I spoke with Eric, who explained that [REDACTED] team that supports the architecture for this HPE product is in the Northern California Bay Area. The [REDACTED] team was initially led by [REDACTED], but it is now led by [REDACTED].

9. The hardware architecture of the CX 8320 and CX 8325 was primarily designed by [REDACTED]. The HPE hardware manager for those products is Keith Richardson, who is located in Roseville. Eric Pelletier was also involved in the design of this product.

10. The hardware architecture for the CX 10000 was primarily designed by [REDACTED]. HPE employee Eric Pelletier helped with that design. I spoke with Eric, who explained that the [REDACTED] employees responsible for the architecture of the CX 10000 are located in the Northern California Bay Area. That includes [REDACTED], the hardware director for that design team. While most of the manufacturing for the Accused Products occurs abroad, the CX 10000 is manufactured [REDACTED]. The product manager from [REDACTED] responsible for the CX 10000 is [REDACTED], who I understand is also based out of San Jose.

11. All of the accused CX switches run ArubaOS-CX, an operating system designed by HPE, primarily from Roseville. The 5400R and 2930F run the ArubaOS-Switch operating system, which is a rebranded version of the ProVision OS used on HP's ProCurve switches. That operating system was primarily designed from Roseville, though it is currently being maintained by engineers in India.

12. The office in Roseville includes laboratories for research and development work for the Accused Products as well as older switches like the ProCurve 5300 switch.

[REDACTED]

[REDACTED]

13. Although HPE personnel largely use cloud-based storage systems provided by Microsoft to store documents related to their job, software and hardware source code, as well as technical documents for the Accused Products is stored on repositories in Roseville. With respect to software source code for the products, Norbert Vicente explained that the current code for the Accused Products is stored and maintained in Roseville. Norbert also explained that in addition to software source code, technical documents regarding the Accused Products, including design specifications, are stored in Roseville. In addition to the current software source and technical documents, Norbert also explained that in Roseville a read-only archive of the software team's previous repository—ClearCase—is maintained that contains source code and architectural and design documents for earlier products, such as the ProCurve 5300. He also explained that when he receives a request for the source code or architectural and design documents for earlier products he provides that information by accessing the Roseville read-only archive.

14. With respect to regarding storage of hardware source code, i.e., the ASIC chip designs, based on my experience with the product, I understand that an archived version of the hardware source code for the 5300 switch is stored in Roseville. Also based on my experience, I understand that the hardware code for the 5400R and 2930 switches historically has been stored in Roseville. I spoke with Joseph Gleason, an ASIC designer in Roseville responsible for development operations, who explained that HPE has more recently stored archived version of that hardware code for the 5400R and 2930 using a cloud-based GitHub. Joseph also explained that the hardware source code for more recent products, including the newer Accused Products, are also stored using the GitHub system. Based on my own personal experience working on these products, and as Joseph also confirmed, when a Roseville engineer works on the designs for the new products, that engineer works on a local, Roseville copy of the design and must verify the design on

[REDACTED]

[REDACTED]



systems in Roseville before it can be stored using GitHub. And while “repo” versions of the source code are stored using GitHub, a “golden” version of the source code is always retained in Roseville. That “golden” version is the most accurate and up-to-date version of the code.

15. Employees with knowledge about the design and development of the Accused Products are located in Roseville. In addition to myself, other employees from the Roseville office include:

- Keith Richardson (R&D Switch Development Manager): development and design of the CX 8320 and CX 8325;
- Michael Patmon (Distinguished Technologist): test engineer with responsibility over the Roseville test lab, including the 5300 switch and the Accused Products;
- Norbert Vicente (R&D Solution Architect): maintenance and storage of the software source code;
- Joseph Gleason (ASIC Design Engineer): maintenance and storage of the hardware source code and the HPE-designed ASICs used in some of the Accused Products;
- Frank Reichstein (Senior Director of Software Engineering): development and design of ArubaOS-CX and ArubaOS-Switch operating systems;
- Joe Curcio (ASIC Engineering Manager): lead packet forwarding engineer for the CX 6200, CX 6300M, CX 6300F, and CX 6400; and
- Jacky Chang (Senior Distinguished Engineer): hardware systems and board designs for the Accused Products.

16. In addition, the senior management team that has primary responsibility over the Accused Products is located in Roseville and includes:

- Tom Parker – Vice President of ASIC Engineering;

- 
-
- 
- Mike Frey – Vice President of Engineering;
 - Tim Kinsella – Vice President of R&D Operations and Program Management Office;
 - Karthikeyan (Karthik) Ramachandran – Vice President of Switch Software; and
 - Gary Daughters – Global Manufacturing Engineering Manager.

Each of these people directly or indirectly reports to the president of this business unit, who is based in San Jose.

17. None of the design, development, or management of the Accused Products has ever taken place in Texas.

18. Although there are employees located outside of Roseville, such as Eric Pelletier, given that Roseville is the center for switching development and management, they frequently travel to the office in Roseville to work in the laboratory or to meet with other employees to discuss the Accused Products, including employees from the engineering, marketing, and sales groups.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 1st, 2022.

/s/ Mark Gooch
Mark Gooch